

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENYON DERRAL BROWN,

Plaintiff,

v.

NORTH KERN STATE PRISON, et al.,

Defendants.

Case No. 1:20-cv-01396-SKO (PC)

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND DIRECTING
PLAINTIFF TO SUBMITT APPLICATION
TO PROCEED *IN FORMA PAUPERIS***

21-DAY DEADLINE

On October 2, 2020, the Court issued an order directing Plaintiff, within 45 days, to submit an application to proceed *in forma pauperis* or to pay the filing fee in full. (Doc. 3.) Although more than the allowed time passed, Plaintiff failed to comply with the order. Therefore, the Court ordered Plaintiff to show cause why this action should not be dismissed. (Doc. 5.)

Plaintiff filed a response to the order to show cause on December 18, 2020. (Doc. 6.) Therein, Plaintiff states that he cannot afford to pay the filing fee. (*Id.* at 1.) Although this explains why Plaintiff did not submit payment of the \$400 fee, it does not explain why he failed to submit an application to proceed *in forma pauperis*.¹

Nevertheless, the Court will grant Plaintiff one final opportunity to comply with the Court's order. The Court DISCHARGES its order to show cause (Doc. 5). **Within 21 days** of the

¹ The Court will not address the matters raised in Plaintiff's response that are unrelated to its order to show cause.

1 date of service of this order, Plaintiff SHALL submit the attached application to proceed *in forma*
2 *pauperis*, completed and signed, **or** in the alternative, pay the \$400 filing fee in full. **Failure to**
3 **comply with this order will result in a recommendation, without further notice, that this**
4 **action be dismissed for failure to obey court orders.**

5
6 IT IS SO ORDERED.

7 Dated: **December 23, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE